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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/042,068

01/08/2002

Tomokuni Wauke

9281-4240

3902

7590

06/07/2004

Brinks Hofer Gilson & Lione
P.O. Box 10395
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EXAMINER

LE, DANG D


ART UNIT

PAPER NUMBER

2834

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/042,068	WAUKE, TOMOKUNI	
	Examiner	Art Unit	
	Dang D Le	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) 3-8, 11-35 and 37-67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 9, 10 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/16/04 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 2, 9, 10 and 36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by the following references.

Regarding claims 1, 2, and 36, see Kishima (3,909,643), Figure 1; Barge (4,459,087), Figure 5; Schaeffer (4,315,171), Figures 20-22.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kishima in view of Tajima et al. (5,432,644).

Regarding claim 9, Kishima shows all of the limitations of the claimed invention except for six magnetic pole teeth being provided.

Tajima et al. shows six magnetic pole teeth being provided (Figure 5) for the purpose of increasing torque.

Since Kishima and Tajima et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make a stator with six teeth as taught by Tajima et al. for the purpose discussed above.

Regarding claim 10, it is noted that Tajima et al. also show all of the limitations of the claimed invention.

7. Claims 1, 2, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (4,553,075) in view of Barge.

Regarding claims 1, 2, and 36, Brown et al. shows all of the limitations of the claimed invention in Figure 1 except for the stator poles provided with coils. Brown uses a single coil.

Barge provides coils to each stator pole (Figure 5, 25) for the purpose of increasing power.

Since Brown et al. and Barge are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide each stator pole with coils as taught by Barge for the purpose discussed above.

8. Claims 1, 2, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehman et al. (2,867,762) in view of Boudigues (3,375,422).

Regarding claims 1, 2, and 36, Lehman et al. shows all of the limitations of the claimed invention in Figure 1 (motor 10) except for the permanent rotor (11).

Boudigues uses permanent magnets for the purpose of increasing magnetic power.

Since Lehman et al. and Boudigues are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use permanent magnets as taught by Boudigues for the purpose discussed above.

9. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehman et al. in view of Boudigues, as applied to claim 1 above and further in view of Tajima et al. (5,432,644).

Regarding claim 9, the motor of Lehman et al. modified by Boudigues includes all of the limitations of the claimed invention except for six magnetic pole teeth being provided.

Tajima et al. shows six magnetic pole teeth being provided (Figure 5) for the purpose of increasing torque.

Since Lehman et al., Boudigues, and Tajima et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make a stator with six teeth as taught by Tajima et al. for the purpose discussed above.

Regarding claim 10, it is noted that Tajima et al. also show all of the limitations of the claimed invention.

Information on How to Contact USPTO

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/27/04

A handwritten signature in black ink, appearing to read 'Dang D Le', with a stylized flourish at the end.

DANG LE
PRIMARY EXAMINER